



# Town of Jericho

## JERICHO PLANNING COMMISSION

PO Box 39 (67 VT Rte. 15), Jericho VT 05465 | [www.jerichoVT.gov](http://www.jerichoVT.gov)

### MEMORANDUM

**TO:** Interested Parties  
**FROM:** Town of Jericho Planning Commission  
**DATE:** December 4, 2012  
**RE:** Amendments to the Town of Jericho Land Use and Development Regulations

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This report is prepared in accordance with 24 VSA § 4441(c), which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection including bylaw amendments and subsection 4384 (c) of this title concerning plan amendments... This report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under § 4444 of this title, and shall include findings regarding how the proposal:

- (1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on safe and affordable housing.
- (2) Is compatible with the proposed future land uses and densities of the municipal plan.
- (3) Carries out, as applicable, any specific proposals for any planned community facilities.”

### **STATEMENT OF PURPOSE**

The primary purpose of the proposed amendments is to clarify the existing development review and land use regulations, meet the requirements of state planning laws (24 VSA, Chapter 117), and to comply with the 2011 Jericho Comprehensive Town Plan.

The amendments include minor technical corrections to the following sections: Section 2, Definitions; Section 4, Zoning Uses; Section 5, Dimensional Standards; Section 6, Overlay Districts; Section 7, General Provisions; Section 9: Regulation of Telecommunications Towers and Facilities; Section 10: Permit Review and Procedures; Section 11, General Development Standards, and Section 12: Administration and Enforcement. There have been additions related to stream crossings, traffic studies, lighting, and steep slopes. There have also been revisions made to the Table of Uses (Section 4.4). These amendments have the potential to affect all geographical areas of the Town.

### **DESCRIPTION**

A description of proposed amendments and revisions to the Jericho Land Use and Development Regulations is provided below.

#### **1. Section 2, Definitions**

Many definitions were modified to provide wording clarification, with the intent of making them easier to consistently interpret and to make the definitions consistent with references elsewhere in the document.

- a. The following definitions underwent slight technical wording changes, which did not significantly change their original meaning or intent:

**ACCESSORY APARTMENT**

**AFFORDABLE HOUSING**

**AGRICULTURE**

**ALTERATION**

**BEDROOM**

**BUILDING**

**BUILDING ENVELOPE**

**BUILDING HEIGHT**

**CAMP**

**CAR WASH**

**CLUB- CLARIFIED THE DEFINITION, "GROUP OF PERSONS OUTSIDE OF A FAMILY", ADD "PRIVATE" TO LIST OF USES.**

**CONTAINMENT SYSTEM, PRIMARY**

**DRIVEWAY**

**DWELLING**

**DWELLING UNIT**

**DWELLING UNIT**

**FENCE**

**FISH & GAME CLUB**

**FORESTRY**

**FUEL SALES**

**GALLERY**

**GARAGE, PRIVATE**

**GARDEN CENTER**

**GUEST HOUSE**

**HAZARDOUS MATERIAL**

**HOTEL**

**INN**

**LAND DEVELOPMENT**

**LIBRARY**

**LOT**

**LOT, MINIMUM SIZE OF**

**LOT OF RECORD**

**LUMBER AND BUILDING SUPPLY YARD**

**MANUFACTURED HOME**

**MANUFACTURING, LIGHT**

**MANUFACTURING, RESEARCH AND DEVELOPMENT**

**MIXED USE**

**MOBILE HOME**

**MOBILE HOME PARK**

**MOTEL**

**MOTOR VEHICLE REPAIR**

**MUNICIPAL FACILITY**

**MUSEUM**

**NURSING HOME**

**PARCEL**

**PARKING SPACE**  
**PERSONAL/PROFESSIONAL SERVICES**  
**PRINCIPAL USE OR STRUCTURE**  
**PUBLIC WATER SUPPLY**  
**RECREATION, GENERAL**  
**RECREATION, PASSIVE**  
**RECREATIONAL VEHICLE**  
**RESIDENTIAL CARE FACILITY**  
**RETAIL, GENERAL MERCHANDISE**  
**RETAIL, SPECIALTY STORE**  
**RIDGELINE**  
**ROAD**  
**ROOMING HOUSE**  
**SCHOOL**  
**SIGN**  
**SIGN, FREESTANDING**  
**STABLE- BOARDING/RIDING**  
**STORAGE STRUCTURE**  
**STUDIO**  
**SUBDIVISION**  
**SUBSTANTIAL DAMAGE**  
**TAVERN**  
**WAREHOUSE**  
**WHOLESALE**  
**WILDLIFE MANAGEMENT**  
**YARD**  
**ZONING MAP**

- b. The following definitions underwent significant modification, to the extent that their original meaning has changed.

**ACCESSORY STRUCTURE OR ACCESSORY USE:** definition expanded to include “Drive-thrus are prohibited as an accessory use in all districts”.

**FAMILY/HOUSEHOLD UNIT:** definition expanded “...or a group of not more than five (5) unrelated persons living together as a single housekeeping unit...”

**FARMERS MARKET:** A retail outlet space with or without permanent **STRUCTURES** used for the intermittent or occasionally scheduled sale of primarily seasonal agricultural products by one or more vendors.

**FUEL SALES:** the phrase “subject to Planned Unit Development Review” was removed from this definition

**JUNK:** definition expanded to include “aluminum” and “plastic or pulp products”.

**JUNKYARD:** definition expanded to include “wrecked or disabled” vehicles, and to include “trailers, campers and tow-behinds, or boats”.

**KENNEL:** definition expanded; threshold is four (4) or more animals “more than three (3) months of age”.

**MOTOR VEHICLE:** definition expanded to include “bus”, “mower”, “Recreational Vehicle” and “go-cart”.

**MOTOR VEHICLE SALES:** definition expanded to require screening of materials stored outdoors.

**RESTAURANT:** phrase “but excluding drive-up service” was removed from definition by the Planning Commission. This phrase was replaced by the Selectboard. The current proposed Regulations do not contain a change to the definition as currently written.

- c. Several NEW definitions were added, to describe terminology used elsewhere in the document. These new definitions are shown below:

**ACCESS STANDARDS:** Specifications from the Jericho Public Works department for design and construction of any **PRIVATE ROAD**, **DRIVEWAY**, and/or **RIGHT-OF-WAY** excepting only those for agricultural or forestry uses.

**ACCESS PERMIT:** An official document approved by the Town’s Road Commissioner that ensures **ACCESS STANDARDS** are met by any new accesses. Commonly known as a Road Access Permit.

**ACT, The:** The Vermont Planning and Development Act [24 VSA Chapter 117].

**ADAPTIVE REUSE:** the rehabilitation of a site or **STRUCTURE** constructed before 1955, where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes.

**BUILDING PERMIT:** Authorization to construct on or use a **PARCEL** in conformance with the “*Town of Jericho Land Use and Development Regulations*”. See also **ZONING PERMIT**.

**CERTIFICATE of OCCUPANCY (CO):** An official document affirming that a **BUILDING** or **LAND DEVELOPMENT** complies substantially with the “*Town of Jericho Land Use and Development Regulations*” and/or plans and specifications that have been submitted to, and approved as a **CONDITIONAL USE** by the Development Review Board.

**CONDITIONAL USE:** A utilization that conforms with the “*Jericho Land Use and Development Regulations*”, and which may have standards, clauses or stipulations to that use attached and approved by the Development Review Board.

**CONFORMING STRUCTURE or USE:** A structure or use that successfully meets zoning and subdivision regulations known as the “*Jericho Land Use and Development Regulations*”. See also **NON-CONFORMING STRUCTURE or USE**, and **STRUCTURE and USE**.

**CONTRACTOR YARD:** An establishment, site, or **FACILITY** serving as the headquarters, or mobilization/staging point of an individual or firm engaged in the construction and/or landscaping industry. Outdoor storage and maintenance of **MOTOR VEHICLES**, tools and/or materials is customary and shall require peripheral **SCREENING**.

**DEED:** An official document that has been signed and delivered, by which an individual or entity, (the grantor), conveys title to real property to another individual or entity, (the grantee); a conveyance of land, tenements, or hereditaments, from one party to another.

**DORMITORY/HOSTEL:** An overnight lodging facility offering temporary lodging, educational programs and/or other goods and services to members, affiliates, or partners. Lodging shall

not exceed thirty [30] days in any four [4] month period, with a limit of no more than fourteen [14] consecutive days.

**DRIVE-THRU:** An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or goods while remaining in their vehicles. Drive-thrus are prohibited in all districts.

**FARM:** A parcel associated with **AGRICULTURE**, specifically the cultivation, breeding or raising of plants or animals, and as defined by the most current Vermont Department of Agriculture Accepted Agricultural Practices.

**FOOTPRINT:** The outline of the total area of a **BUILDING** including its porches or decks, as defined by the outside perimeter of its **FOUNDATION** or footings.

**FOUNDATION:** A permanent structure that supports a **BUILDING** or its component elements including but not limited to porches and decks. The term "Foundation" shall also include walls, poured or compacted slabs, sonotubes, piers, or other footings that provide a base for structural support.

**GYMNASIUM:** A **BUILDING** or portion thereof dedicated to the education and physical training of its members, which may include indoor or outdoor activities, traditional physical therapy (i.e. rehabilitative care) as well as a full range of proactive care, such as injury prevention, fitness, and wellness.

**HOME OCCUPATION:** Any use conducted entirely within a **DWELLING** or an **ACCESSORY STRUCTURE** that is clearly incidental and secondary to the use of the dwelling purposes and which does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration or smoke beyond the lot line. Such permitted home occupation shall not occupy a floor area greater than twenty-five percent [25%] of the floor area of the dwelling unit, nor employ non-residents of the subject dwelling. Conditional use shall not employ more than three [3] persons who are not residents. Goods sold at retail shall be only those manufactured or assembled on the premises. Any non-illuminated **SIGN** for a home occupation shall conform with the provisions of Section 7.8 of these regulations.

**HOSPICE:** A program or **FACILITY** that provides special care for people who are near the end of life and for their families. Hospice care can be provided at home, in a dedicated facility or portion thereof, or within a **HOSPITAL**.

**INTERESTED PERSON:** An individual or entity who has participated in a municipal regulatory proceeding authorized under 24 VSA Ch. 117 who may appeal a decision rendered in that proceeding by a Town agent, board or panel, to the environmental court.

**LOT SIZE:** Calculated by one or more of the following methods:

- a) **AREA:** Total space within the property lines excluding any part thereof lying within the boundary of an existing or proposed public **ROAD**, and usually measured in square feet or acres.
- b) **DEPTH:** The mean distance between the front and rear lot lines, as measured at right angles to the front lot line.
- c) **WIDTH:** The mean distance between the side lot lines, as measured at right angles to depth.
- d) **FRONTAGE:** The boundary of a lot along a public or private **ROAD**, usually measured in linear feet.

**MANUFACTURING:** The use of machines, tools, and labor to make things for use or sale. The term may refer to a range of human activity, distilled here into two categories:

- a) **HEAVY:** Relates to a type of business that typically carries a high capital cost (capital-intensive), high barriers to entry, and low transportability. The term "heavy" refers to the fact that the items produced by "heavy industry" used to be products such as iron, coal, oil, ships, etc. Today the reference also refers to industries that cause disruption to the environment in the form of pollution, deforestation, etc. Industries that are typically considered "heavy" producers include: Chemicals and plastics, steel and oil refining and production, mining, and mass transit (railways, airlines, shipbuilders).

**MOBILE HOME SALES:** An establishment or site associated with the display and sale of more than one [1] **MOBILE HOME**. Outdoor storage of materials is customary and shall require peripheral **SCREENING**.

**NET METERED POWER SYSTEM:** Typically, a water-, solar- or wind-powered, grid-connected mechanism regulated by the Public Service Board, and exempt from local zoning regulations.

**NON-CONFORMING LOT or PARCEL:** A lot or parcel that does not conform with current regulations governing dimensional requirements, including parking, but which was in conformity with all applicable laws, ordinances, and regulations prior to the enactment of current regulations, including a lot or parcel improperly authorized as a result of error by the administrative officer or Development Review Board under the provisions of 24 VSA §4472.

**NON-CONFORMING STRUCTURE or USE:** A structure or use that fails to meet zoning and subdivision regulations known as the "*Jericho Land Use and Development Regulations*". See also **CONFORMING STRUCTURE or USE**, and **STRUCTURE and USE**.

**NON-CONFORMITY, DEGREE of:** The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. Any extension of a structure that results in an additional encroachment of the non-conforming feature/element, including the expansion of the volume or area of a structure within a building setback, increases the degree of nonconformity.

**OWNER:** Any individual, firm, partnership, association, joint venture, corporation or other entity or combination thereof who alone, jointly or severally with others hold(s) legal or equitable title to any real property.

**PERMIT:** An official document approved by a regulatory authority which ensures that structures or uses conform with regulations and conditions imposed by that local, state or federal authority (see **BUILDING PERMIT**, **ZONING PERMIT**).

**PERMITTED STRUCTURE or USE:** A structure or use that is acceptable under zoning and subdivision regulations known as the "*Jericho Land Use and Development Regulations*". All permitted structures or uses still require either an approved **BUILDING or ZONING PERMIT**, or **CONDITIONAL USE** approval. See also **STRUCTURE and USE**.

**PLAT:** A site plan based upon a recent survey, which shows the details required by these Regulations.

**POST OFFICE:** A structure that contains service windows for mailing packages and letters; post office boxes, offices, vehicle storage areas, and/or mail sorting and distribution facilities.

**PUBLIC FACILITY:** A site or **STRUCTURE** that serves one or more needs of the community, including but not limited to state- or community-owned and operated institutions and facilities; any public or private **SCHOOL** or other educational institutions certified by the state Department of Education; any **PLACE of WORSHIP**, convents, and parish houses; public and private **HOSPITALS**; certified regional solid waste management facilities and certain hazardous waste management facilities under 24 VSA §4413. See also **MUNICIPAL FACILITY**.

**RECREATION, ACCESSORY USE:** Leisure pursuits on private land containing walking and riding trails or playing fields, but absent any **STRUCTURE**, and located within any one [1] parcel unlinked to any other parcel, that enhance personal **USE** and enjoyment of the subject parcel by its owner(s) and **FAMILY** members and/or their guests.

**RESUBDIVISION:** A second or subsequent partition of a parcel that has already been divided into smaller parcels or lots. *See also* **SUBDIVISION**.

**RIGHT-OF-WAY [ROW]:** A strip of land that is granted, through **DEED**, easement, or other mechanism, and usually to serve the public good, such as for a highway, rail line or utility. The legal right of passage over the land is reserved for the purposes of maintenance or expansion of existing services within the ROW.

**SCREENING:** A wall, **FENCE**, or horticultural device such as a hedgerow, designed to buffer, mask or mitigate a view of a **PARCEL** from one or more vantage points.

**SEPTIC SYSTEM:** A **STRUCTURE** or method designed to dispose of human waste. All septic systems are regulated by the Vermont Agency of Natural Resources, and do not require a local permit.

**SETBACK:** Any distances from the ends and/or sides of a **LOT** beyond which construction may not extend. Also known as a “building line”, setbacks are established by these regulations and vary from zoning district to district. The distance is always calculated from the outside (exterior) edge of a structure’s point of maximum projection (foundation, deck, or eave) to the lot line.

**SHOOTING RANGE:** Any permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment.

**SIGN, PERMANENT:** Any freestanding sign, or sign that is affixed to any **BUILDING**, and which is installed for a period of indefinite duration, not including movable or folding sandwich-board type signs.

**SIGN, TEMPORARY:** Any sign that is installed for a period of limited duration, including movable and/or sandwich-board type signs.

**SIGN, UNPERMITTED:** Any permanent or temporary sign that does not conform with the “*Town of Jericho Land Use and Development Regulations*”, or does not have an approved **PERMIT** on record; or which is installed in a public **RIGHT-OF-WAY**.

**SILVICULTURE:** The care and cultivation of forest trees. *See also* **FORESTRY**.

**SLAUGHTERHOUSE:** An establishment, site or **FACILITY**, where livestock is killed for its meat and/or where the meat and/or meat by-products including hide, bones, and fat may be processed or rendered for commercial purposes.

**START OF CONSTRUCTION:** Determined by the date a **BUILDING PERMIT** is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement occurs within 360 days of said issue date.

**STRUCTURE:** An assembly of materials for occupancy, use or display, including but not limited to **BUILDINGS**; swimming pools; ponds; curtain drains; standpipes; **MOBILE HOMES**; antennae and communication towers; free-standing satellite dishes with a diameter greater than thirty-six [36] inches; animal or vehicle jumps; flag poles; playground equipment; **FENCES**; **SIGNS**, blinds; bridges, boardwalks, docks, decks, porches, and patios. The term “Structure” specifically excludes elements built at grade without a foundation or pier support, including but not limited to walking or riding trails or playing fields that are materially unenhanced; compost bins, planters, sidewalks, driveways; and berms, swales, walls less than

three [3] feet in height as calculated from grade, and assembled from materials native to the parcel (i.e. not imported from off-site) that have been rearranged or relocated on the parcel.

**STRUCTURE, ATTACHED:** Any structure that is attached to a **BUILDING** by a common wall, by a roof, or by structural connections that allows pedestrian access to both structures, including but not limited to decks, stairways or breezeways.

**TELECOMMUNICATIONS FACILITY:** A tower or other support structure, including antennae, that extend twenty [20] feet or more vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals. The term “Telecommunications Facility” includes towers and ancillary facilities.

**UNPERMITTED STRUCTURE or USE:** A structure or use that is not acceptable under zoning and subdivision regulations and constitutes a violation of one or more of those regulations. No unpermitted structure or use is eligible to receive either an approved **BUILDING or ZONING PERMIT**, or **CONDITIONAL USE** approval. *See also STRUCTURE and USE.*

**USE:** The specific purpose for which land or a **BUILDING** is arranged, designed, or intended; or for which either land or a building is or may be occupied or intended. Four categories of use include:

- a) **ALLOWED USE:** Utilization that does not require a **ZONING PERMIT**;
- b) **PERMITTED USE:** Requires a **ZONING PERMIT** and conformity with Land Use and Development Regulations;
- c) **CONDITIONAL USE:** Requires review and approval with conditions attached by the Development Review Board; and
- d) **PROHIBITED or UNPERMITTED USE:** Utilization that is unacceptable under any circumstances.

**VARIANCE, ZONING:** A deviation from the land use or density requirements of these regulations as may be granted by the Development Review Board.

**VEHICLE TRIPS:** A term that forecasts travel demands by predicting the number of automotive journeys which originate from or end in a particular location. For example, leaving Point A to travel to Point B is calculated as one Vehicle Trip; leaving Point A to travel to Point B and then return to Point A is calculated as two Vehicle Trips.

**WAIVER, DIMENSIONAL:** A relaxation of the minimum distance or dimensional requirements of these regulations as may be granted by the Development Review Board.

**WALK-OUT BASEMENT:** Any inside area of a building having its floor subgrade (below ground level) on at least fifty percent [50%] of its perimeter and which provides direct access through a portal or portals to the outdoors.

**ZONING PERMIT:** An official document approved by the Town’s Zoning Administrator that ensures conformity with the zoning and subdivision regulations known as the “*Town of Jericho Land Use and Development Regulations*”. Commonly known as a **BUILDING PERMIT**.

## 2. Section 4, Zoning Uses

- a. Section 4.1 - A description and category was added, for “Allowed Uses”. This is to help the reader distinguish “Allowed Uses”, which do not require a permit, from “Permitted Uses”, which do require a permit.

### 4.1 *Allowed Uses*

*Allowed uses for each district of the Town are specified in the Table of Uses in Section 4.4. Allowed uses do not require a Zoning Permit from the Zoning*



*Administrator, unless otherwise specified in Section 10.2 Where the allowed use is not the primary use of a parcel, a separate permit may be required for that primary use.*

b. Section 4.4 - Table of Uses

i. New Categories Added: several new categories of use were added to the Table of Uses. These new uses are listed below:

- 1.1.1 Slaughterhouse
- 3.2.9 Mobile Home Sales
- 3.6.3 Gymnasium
- 4.1.1 Heavy Manufacturing
- 4.3 Contractor Yard
- 5.4 Hospice Facility
- 5.12 Post Office
- 5.15 Dormitory/hostel
- 6.1.1 Home Occupation
- 6.1.2 Recreation, Accessory Use
- 6.1.3 Drive Thrus

Drive Thrus were added to the Table of Uses by the Planning Commission, as a Conditional Use in all districts except the Open Space district. This category was removed entirely by the Selectboard. The current proposed regulations do not include drive thrus in the table of uses, and as such drive thrus are prohibited throughout the Town of Jericho. This change is in keeping with the 2011 Town Plan goals of enhancing pedestrian walkability, reducing sprawl and reducing greenhouse gas emissions.

ii. Changes to Allowed Uses:

- 1.1 Agriculture- this was changed from a permitted to an allowed use in all districts
- 1.1.1 Slaughterhouse- this new category was made a conditional use in the AG, RR and COM Districts
- 1.2 Silviculture/Forestry- this was changed from a permitted to an allowed use in all districts
- 1.5 Stable Boarding/Riding- this was changed from a permitted to an allowed use in the OS, FOR and AGR districts. It was added as a conditional use in the COM district
- 1.6 Kennel- this was added as a conditional use in the COM district
- 1.8 Wildlife Management- this was changed from a permitted to an allowed use in all districts
- 3.2.6 Farmers Markets- This was added as a P/C<sup>4</sup> use in the OS, FOR, AGR, and RR districts. P/C<sup>4</sup> is defined as permitted, unless there is a permanent structure involved, in which case a conditional use approval would be required.
- 3.2.9 Mobile Home Sales - this new category was made a conditional use in the COM District
- 3.6.2.1 Outdoor Passive Recreation - this was changed from a permitted to an allowed use in all districts

- 3.6.3 Gymnasium - this new category was made a conditional use in the VIL District, and a permitted use in the COM and VCTR districts
  - 4.1.1 Heavy Manufacturing - this new category was made a conditional use in the COM District
  - 4.3 Contractor Yard - this new category was made a conditional use in the FOR, AGR, RR and COM Districts
  - 5.1.1 Day Care – this was removed from the OS district as a permitted use
  - 5.1.3 Elementary School- this was added to the RR, VIL and COM districts as a conditional use
  - 5.1.4 Secondary School- this was added to the VIL and COM districts as a conditional use
  - 5.1.5 Vocational School- this was added to the AGR, RR, and VIL districts as a conditional use
  - 5.4 Hospice Facility – This new category was added to the COM district as a conditional use, and to the VCTR district as a permitted use.
  - 5.6 Nursing Home Facility – this was added to the AGR, RR and VIL districts as a conditional use
  - 5.12 Post Office – this new category was added to the VCTR district as a permitted use
  - 5.15 Dormitory/Hostel – this new category was added to the OS district as a conditional use, and to the FOR, AGR, RR, VIL, COM and VCTR districts as a permitted use.
  - 6.1.1 Home Occupation – this new category was added to the FOR, AGR, RR, VIL, COM and VCTR districts as a permitted use
  - 6.1.2 Recreation, Accessory Use – this category was added to the FOR, AGR, RR, VIL, COM and VCTR districts as an allowed use
- c. Section 4.6 *Special Uses* – A Section was added for “Special Use Standards”, using language taken directly from VSA Title 24, Chapter 117, Section 4413a.
- d. Section 4.7.2 *Day Care* – the phrase “except in the open space district” was added to the description of permitted districts for a Day Care.
- e. Section 4.7.14 *Fuel Sales* –
- The following language was removed from this section: “Planned Unit Development review shall be required prior to the approval of a new fuel sales establishment.”
- Also removed: “In the Village Center District, building components and pump islands shall be located in such a way so as to contribute to a well-defined, pedestrian friendly streetscape.”
- f. Section 4.7.17 *Outdoor Storage/Display* - A Section was added for “Outdoor Storage/Display”, for the purposes of clarifying the regulations. The regulations require screening of materials that could visually detract from the character of the various zoning districts, in accordance with the Jericho Town Plan.
- 4.7.17. *Outdoor Storage/Display*
- 4.7.17.1. The term “Outdoor Storage” specifically refers here to collections or assemblies of materials not in frequent, regular, or ongoing use, such as masses of plastic, wood, metal or glass containers;

*automotive, appliance, and machinery components including tires and electronics; processed or treated timber products; non-ferrous, scrap, structural and sheet metal products; clothing, textiles, and paper products; hardware, fixtures and furniture; construction and demolition waste; lawn, tree, and garden trimmings, but specifically excludes gaseous and solid fuels.*

*(a) In the Village Center District outdoor storage of materials comprising an aggregate area greater than five [5] cubic yards shall be screened from view of any public Right-of-Way and from all adjoining parcels.*

*(b) In all other districts, outdoor storage of materials comprising an aggregate area greater than ten [10] cubic yards shall be screened from view of any public Right-of-Way and from all adjoining parcels. Excluded from this regulation are vehicles, tools, and the raw materials associated with agriculture and silviculture.*

*4.7.17.2. The term “Display” specifically refers here to seasonal presentation and/or demonstration or promotion for personal and civic purposes and specifically excludes signs.*

- g. Section 4.7.18 Drive Thrus– The Planning Commission added a Section providing design standards for “Drive Thrus”, for the purposes of encouraging opportunities for economic growth. The Selectboard removed this section, and the final version of the regulations presented for review does not contain the language proposed by the Planning Commission.

### **3. Section 5, Dimensional Standards**

- a. Table 5.7 and Table 5.8 – footnotes added to clarify how setbacks are measured. These footnotes read: *“Front, side, and rear yard setbacks are calculated from the point of maximum projection (foundation, deck, or eave)”*

*Table 5.7 and Table 5.8 - dimensional standards were added for the open space district, based on recommendations from the Planning Commission*

*Table 5.8 – the frontage requirement for a PUD in the Village District was reduced to 15 feet. This is to encourage traditional development patterns as stated in the Town Plan.*

- b. 5.9.1 States “The minimum distance between structures on abutting parcels shall be twenty [20] feet”. Add the language: *“excepting PUDs within the Village Center District”*.
- c. 5.9.3 Add the following language: *“In all districts, small accessory buildings associated with residential use shall comprise an aggregate area no greater than one hundred percent [100%] of the Gross Floor Area (GFA) of the principal dwelling on the parcel served by the accessory buildings”*.

### **4. Section 6, Overlay Districts**

- a. This section includes language affording additional protections to natural resources in the wetlands and river overlay districts, by requiring driveways, roads and other crossings in these districts to undergo a Conditional Use Review.
- b. Delete language of Section 6.4.5.2, which formerly allowed the following as a Conditional Use: Construction of driveways if no other reasonable access to the

lot is possible and if Conditional Use Determination (CUD) is received from the Vermont Wetlands Office.

- c. Add language at Section 6.4.5.2: Construction of driveways, roads, and/or other crossings within the Wetlands Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.
- d. Add language at Section 6.5.3.4, regarding preparation of a flood elevation survey to determine base flood elevation: *The applicant shall bear the sole responsibility and cost of the survey.*
- e. Add language at Section 6.5.8.5: Construction of driveways, roads, and/or other crossings within the River Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.

## **5. Section 7, General Provisions**

- a. Section 7.1.1.5 (Home Occupations), modify language to read: “No more than ten (10) vehicle trips per day related to the home occupation shall be permitted over an average month”.
- b. Section 7.8 (Signs), changed “*permitted*” to “*allowed*” in several places in this section.
- c. Section 7.8.6 (Maintenance of Signs), modified language to say “*excepting any sign on or related to an Historic Structure as defined by Section 2, GENERAL DEFINITIONS*”
- d. Section 7.8.7.2 (Generally allowed signs), added “*activities identified with a neighborhood watch program, or designed to foster growth of agriculture and food based businesses in conformity with the Comprehensive Town Plan adopted 17 February 2011*”
- e. Section 7.8.7.3 (Temporary real estate signs), change “*sale of the property*” to “*title is transferred to new owner*”.
- f. Section 7.8.7.6, add the language “*Non-illuminated*” to “*signs promoting auctions, garage sales, or similar short-term sales*”.

## **6. Section 9, Regulation of Telecommunications Towers and Facilities**

- a. Section 9.4.1.2, add the following language:
  - 9.4.1.2 Amateur (ham) radio, citizens-band radio, and single-use local business radio dispatch.
    - a. Television antennae for home use *that have an aggregate area of the largest face of the antennae less than eight [8] square feet, and a total installation height of less than twelve [12] feet above the structure to which it is attached, shall not require a building permit.*
    - b. *Satellite dishes for home use that have a diameter less than thirty-six [36] inches.*
- b. Other small technical clarifications

## **7. Section 10, Permit Review and Procedures**

- a. Section 10.2, Zoning Permits, added the following section listing “*Exemptions*”, which do not require a zoning permit:

- b. Section 10.3, Septic Permits, added language defining the relationship between State wastewater permitting and issuance of local zoning permits.
- c. Section 10.4, Access Permits- Roads and Driveways. Add language “*access permits are valid for one [1] year from the date of issue*”. Add language “*curb cuts shall be limited to one per residential property*”.
- d. Section 10.6, Certificates of Occupancy, wording changes to improve the procedural process by the ZA
- e. Section 10.7, Boundary Adjustment, wording changes to improve the procedural process by the ZA
- f. Section 10.8.6, DRB Procedures, Independent Technical review. Add language “the DRB may require the applicant to pay for the reasonable costs of an independent technical review of the application, *or related legal documents*”.
- g. Section 10.9.3, Conditional Use Review, Standards. Add language “The DRB shall determine *the area likely to be affected, and...*”.
- h. Section 10.11.1.4, Dimensional Waivers. Add language “The need for a waiver was not created by an intentional action of the applicant, *and is necessitated by the absence of any practical option or alternative*”.
- i. Section 10.13, Planned Unit Development. Remove language “Any application for fuel sales”.

## **8. Section 11, General Development Standards**

- a. Section 11.1.2, Access/Roads, Private Driveways, add language “*An access point plan shall be submitted as part of the development application, and approved by the Zoning Administrator*”.
- b. Section 11.1.3, Public/Private Roads, corrected a previous error. Revision now reads: “All roads shall be private unless otherwise approved as public roads by the Selectboard.
- c. Section 11.1.5.1, Traffic Study/ Off Site Improvements, added language identifying the requirements for a traffic study

“The Development Review Board may require the provision of a traffic study to analyze the impact of the proposed development on street capacity and safety. *The formal study shall include but not be limited to details of existing and proposed ingress and egress, traffic volumes, turning movements, levels of service, traffic control, physical conditions of the existing street network, and pedestrian access and safety. Existing traffic studies conducted in the previous five (5) years may be considered, if in the DRB’s judgment traffic conditions on the surrounding street network are substantially similar. Existing traffic studies greater than five (5) years of age may be considered, provided data regarding traffic volumes, levels of service, and other pertinent information is updated. A formal traffic study shall be required when:*

- a. *the development involves creation of twenty (20) or more dwelling units; or*
- b. *The increase in average daily trip ends exceeds 200, based on the estimations in the most recent Institute of Transportation Engineers Trip Generation Manual [ITETGM]; or*

- c. *The increase in adjacent street traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or*
- d. *The increase in traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or*
- e. *The increase in average daily trip ends exceeds fifty percent (50%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is a State Highway, Class 1 Town Highway, or paved Class 2 Town Highway; or*
- f. *The increase in average daily trip ends exceeds twenty-five percent (25%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is an unpaved class 2 Town Highway, Class 3 Town Highway, Class 4 Town Highway or Trail; or*
- g. *The Development Review Board determines a traffic study is warranted in its judgment based on the specifics of the project and the area in which it is located.”*

- d. Section 11.1.5.2, Traffic Study/ Off Site Improvements, added language:

*“The need and scope for such improvements may be established by the Jericho Comprehensive Town Plan; the Jericho Capital Budget and Program; the recommendations of the Jericho Town Engineer or Highway Commissioner; corridor plans; traffic studies prepared by the Town, the CCMPO, or VTrans; by a traffic study required by Section 11.1.5.2 above; or other pertinent sources. The cost of such improvements may be credited as an in-kind contribution toward any road or transportation impact fees due the development, provided the in-kind contribution is approved by the Selectboard.”*

- e. Section 11.1.7, Street Names changed to “Road Names”, added language:

*“The applicant shall furnish a plan detailing approved street names and proposed address numbers to the E-911 Coordinator who will certify its conformity with emergency management protocol and update appropriate Town records.”*

- f. Section 11.1.8., Arrangement of Streets, added language:

#### 11.1.8.7 Dead-End and Single Access Streets:

- (a) The number of dwelling units or commercial businesses served by a dead end street or by a system of streets sharing a common single access to a major or collector street shall not exceed thirty (30) unless additional connections to other streets are approved by the Development Review Board, *except as provided in (b) or (c) below.*
- (b) *New Dead End and Single Access Streets: New dead end or single access streets are discouraged. In accordance with Section 11.1.8.1, new streets shall be arranged to*

*provide for continuation of streets to adjoining properties whenever feasible. The Development Review Board may approve more than thirty (30) units on a new dead end or single access street if the traffic study required under section 11.1.5.1 above finds that a single access will not result in undue congestion or inhibit emergency vehicle access, and that the applicant has taken measures to accommodate pedestrian and/or vehicular circulation to adjacent parcels and neighborhoods. Such measures may include, but are not limited to:*

- (i) providing pedestrian and/or bicycle connections to neighboring streets and/or developments; and/or*
  - (ii) providing a second access restricted to emergency vehicles and pedestrian traffic; and/or*
  - (iii) reservation of Right-Of-way sufficient to provide for vehicular connections to adjacent undeveloped or underdeveloped adjoining properties.*
- (c) Existing Dead End and Single Access Streets: Existing streets shall be extended to serve new development whenever feasible. The Development Review Board may approve more than thirty (30) units on an existing or extended dead end or single access street upon finding that*
- (i) additional units will not result in undue congestion or inhibit emergency vehicle access; and*
  - (ii) the existing road is sufficient to accommodate additional traffic, including adequate turn-around for emergency vehicles, or the applicant will contribute to improvements to the road to accommodate additional traffic; and*
  - (iii) if the property to be developed could provide pedestrian connections to adjacent streets or neighborhoods, Right-Of-Way or easements for this purpose are provided.*

g. Add Section 11.1.9, Roads and Driveways within the River and Wetlands Overlay Districts:

*11.1.9. Roads and Driveways within the River and Wetlands Overlay Districts:*

*Construction of driveways, roads, and/or other crossings shall require Conditional Use Review by the Development Review Board and the Vermont Agency of Natural Resources (ANR). In addition to the Conditional Use Standards in Section 10.9, applicants shall:*

- 11.1.9.1. Obtain wetlands permit, US Army Corps permits, Stream Alteration permits, as required;*
- 11.1.9.2. Use open-bottom structures, such as arch culverts and bridges whenever feasible. If use of open-bottom structures is not feasible, closed-*

*bottom structures shall remain embedded, so as to create an invisible transition between the natural stream channel and the crossing structure;*

*11.1.9.3. Not allow crossing to constrict the stream channel, backfill, or otherwise interfere with stream dynamics; and*

*11.1.9.4. Match the post-construction stream pattern and profile to the natural (pre-construction) stable pattern and profile. Crossings shall be designed to maintain water depths and water velocities at the rates found in the natural stream channel above and below the crossing.*

h. Section 11.2.2. Parking/Loading/Circulation, Number of Parking Spaces Required:

i. Categories Removed:

*2.3 Elderly Housing*

*3.2.11 Kennel Accessory to Store*

ii. Categories Added:

*3.4.3 Caterer (with no on-site retail) – 1.0 per 2 employees*

*3.5.3 Car Wash – 1 per 1,000sf GFA*

*3.6.2.3 Gymnasium – 3.6 per 1,000 sf floor area*

*5.4 Hospice Facility – 0.33 per bed*

*5.11 Post Office – 3.6 per 1,000 sf GFA*

*5.14 Dormitory/Hostel – 1.2 per room*

*6.1 Home Occupations – 1.0 per 2 employees*

*6.2 Recreation, Accessory Use - none*

i. Section 11.2.2.3, Modification in Required Spaces, add language:

*“In granting a reduction in the number of spaces, the Board may consider factors including but not limited to actual anticipated parking needs of a proposed use, the mix of uses within the development, proximity of the proposed use to pedestrian infrastructure, transit service, or other alternative modes of transportation, and/or transportation management proposed by the applicant”.*

j. Section 11.2.5.2, Off-site Parking, insert the following revised language:

**11.2.3.1. Off-site Parking:**



*The Development Review Board may authorize locating required parking off-site on (an)other premise(s) in accordance with the following requirements:*

- (a) Provisions for safe movement of pedestrians from the parking area to the principal access of the proposed use have been made;*
- (b) Provisions for handicapped parking meeting the requirements of the Americans With Disabilities Act have been made;*
- (c) In the Village Center and Open Space Districts, one-hundred percent (100%) of required parking may be located off-site. In all other districts, up to seventy five percent (75%) of the required parking may be located off-site, unless located in a PUD;*
- (d) PUDs in all districts may designate one or more central off-site parking areas containing up to one hundred percent (100%) of all parking required for individual uses within the PUD. Such parking areas may be within or outside the limits of the PUD. If central off-site parking is provided, separate on-site parking areas need not be designated for each individual use within the PUD;*

Modify language regarding off-site parking areas, to state that these areas “shall be within 2,500 feet of the principal access of the proposed improvement”, instead of 1,500 feet.

- k. Section 11.2.5.3, On-Street Parking, add language:

*On street parking shall not be considered “front yard parking”, and shall be permitted in the Village Center and Village Districts, provided pedestrian infrastructure or sufficient Right-Of-Way and/or easements to accommodate such infrastructure are in place.*

- l. Section 11.5.2, Slope/Ridgeline, add language providing additional protections for steep-slopes areas:

*11.5.2 Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:*

*11.5.2.1. If slopes between eight and fifteen percent (8%-15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer.*

*11.5.2.2. Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than twenty-five percent (25%) shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards:*

- (a) The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not*

*exceed the maximums prescribed in the Public Works Specifications. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles.*

*(b) Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping.*

*(c) The Development Review Board may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction.*

*11.5.2.3. Development and disturbance of more than 10,000 square feet of slopes twenty-five percent (25%) or greater shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards:*

*(a) All standards required under Section 11.5.2.2 above; and*

*(b) There are no practical alternatives, or all practical alternatives will result in greater negative impacts than the slope disturbance proposed by the applicant. Such negative impacts may include but are not limited to erosion hazards and/or stormwater runoff during and after construction, site disturbance, habitat fragmentation and/or removal of vegetation, disturbance of wetlands or surface waters, and/or hazardous access for residents and service/emergency vehicles.*

m. Section 11.8.1 Landscaping, Preservation of Landscape, add language:

*Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be re-vegetated by the applicant.*

n. Section 11.8.2 Landscaping, Landscaping Budget Requirement, delete language:

*In evaluating landscaping requirements, credit may be granted for existing tree cover or for site improvements other than plantings as long as the objectives of this section are not reduced.*

o. Section 11.11.1 Outdoor lighting, add language:

*11.11.1 The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height.*

*11.11.4 The height and shielding of light standards shall provide proper lighting without hazard to drivers or nuisance to residents. Fixtures, poles, and lamps*

shall conform with the Public Works Specifications. Lamps shall *have a minimum color temperature of 2500 Kelvin.*

*11.11.5 Security Lighting: Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle.*

*11.11.6. Lighting of Building Facades: The maximum permitted average lighting level on any building façade or angular roof shall not exceed five [5.0] foot-candles. Building façade lighting shall be reduced to one [1.0] foot-candle after 11pm. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. To the extent practicable, lighting fixtures shall be directed downward rather than upward. Lighting fixtures shall not be directed toward adjacent streets or roads.*

*11.11.7. Lighting of Outdoor Recreation Areas: Where playing fields or other outdoor recreation areas are to be illuminated, lighting fixtures shall be mounted and aimed as to illuminate the primary recreation area only, and so that no direct illumination is directed offsite. Lighting for outdoor recreation areas shall be turned off no more than forty-five [45] minutes after the end of the event.*

- p. Section 11.14.1 Performance Standards, add the following language:

*In the event of a formal complaint, should the applicant, parcel owner, and/or successors and assignors, determine that assistance of an independent consultant or consultants to evaluate and/or document conditions is warranted, and the results of said evaluation confirm compliance, the reasonable costs of consultant services shall be paid for by the person or persons who initiated the complaint.*

## **9. Section 12, Administration and Enforcement**

- a. Section 12.5 Appeals, add the following modified language:

*12.5.1 Appeals of Zoning Administrator Decisions: Any interested person as defined in Section 12.5.2 may appeal a decision or act of the Zoning Administrator within fifteen [15] days of the date of the decision or act by filing a Notice of Appeal with the Planning & Zoning Office, the Jericho Town Clerk or Town Administrator's office.*

*12.5.1.1 Notice must be delivered by hardcopy (not electronically), and signed by the appellant. Notice must include appellant's name and contact information, administrative decision being appealed, location/address of subject parcel, and names/addresses of owners of land adjacent to the subject parcel.*

*Notice **must** include payment in full at the time of filing.*

*Alternatively, an application for Appeal of Administrative Decision may be completed and submitted with payment in full by the appellant. Applications are available at Town Hall or off the Town website, [www.jerichoVT.gov](http://www.jerichoVT.gov).*